



Image

PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/520,823
	Filing Date	January 7, 2005
	First Named Inventor	Hirohisa TANAKA
	Art Unit	1615
	Examiner Name	not yet assigned
Total Number of Pages in This Submission	Attorney Docket Number	71465.00012

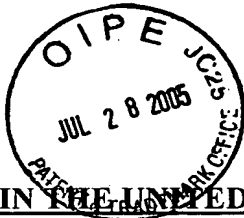
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Transmittal of Translation of International Preliminary Examination Report
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Dickinson Wright, PLLC		
Signature	<i>Jean C. Edwards</i>		
Printed name	Jean C. Edwards, Esquire		
Date	July 28, 2005	Reg. No.	41,728

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attorney Docket No.: 71465.00009  
Customer No.: 35161

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Hirohisa TANAKA et al.

Group Art Unit: 1615

Application No.: 10/520,823

Examiner: Not Yet Assigned

Filed: January 7, 2005

Atty Dkt No: 71465.00012

Confirmation No.: 5058

Customer No.: 35161

For: EXHAUST GAS PURIFYING CATALYST

**SUBMISSION OF TRANSLATION OF  
THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find attached the English language translation of the International Preliminary Examination Report previously filed January 7, 2005, as issued in corresponding International Application No.: PCT/JP2003/008439. The Examiner is respectfully requested to acknowledge receipt of this submission.

Respectfully submitted,

Jean C. Edwards  
Jean C. Edwards  
Registration No. 41,728

DICKINSON WRIGHT PLLC  
1901 L Street NW  
Suite 800  
Washington DC 20036-3506  
Telephone: 202-659-6946  
Facsimile: 202-659-1559  
**Date: July 28, 2005**

From the INTERNATIONAL BUREAU

**PCT**

**NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

(PCT Rule 72.2)

To:

OKAMOTO, Hiroyuki  
c/o AI ASSOCIATION OF PATENT AND  
TRADE MARK ATTORNEYS  
Sun Mullen NBF Tower, 21st Floor  
6-12, Minamihommachi 2-chome, chuo-ku  
Osaka-shi, Osaka 541-0054  
JAPON

**Received**

FEB. - 4. 2005

AI Association of Patent  
and Trademark Attorneys

Date of mailing (day/month/year) 27 January 2005 (27.01.2005)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference 903008PCT	
International application No. PCT/JP2003/008439	International filing date (day/month/year) 03 July 2003 (03.07.2003)
Applicant DAIHATSU MOTOR CO., LTD. et al	

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

**2. Transmittal of the copy of the translation to the elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, EP, GH, KG, KP, KR, MK, MZ, RO, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

**RECEIVED**

FEB 28 2005

**DICKINSON WRIGHT**

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Yoshiko Kuwahara
Facsimile No. +41 22 740 14 35	Facsimile No. +41 22 338 90 90

Translation

PATENT COOPERATION TREATY

PCT/JP2003/008439



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 903008PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/008439	International filing date (day/month/year) 03 July 2003 (03.07.2003)	Priority date (day/month/year) 09 July 2002 (09.07.2002)
International Patent Classification (IPC) or national classification and IPC B01J 23/89, 23/68, 23/58, B01D 53/94		
Applicant DAIHATSU MOTOR CO., LTD.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.  
  
☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

RECEIVED

FEB 28 2005

Date of submission of the demand 25 November 2003 (25.11.2003)	Date of completion of the report <b>DICKINSON WRIGHT</b> 12 May 2004 (12.05.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/008439

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP03/08439

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-22	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-22	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO

**2. Citations and explanations**

Document 1: JP 2-265648 A (Nissan Motor Co., Ltd.) October 30, 1990

Document 2: JP 63-302950 A (Nissan Motor Co., Ltd.) December 9, 1988

Document 3: JP 60-25544 A (Toyota Motor Corp.) February 8, 1985

Document 4: JP 62-241552 A (Cataler Kogyo Kabushiki Kaisha) October 22, 1987

Document 5: JP 11-207183 A (Daihatsu Motor Co., Ltd.) August 3, 1999

Based on the descriptions in documents 1-5 cited in the international search report, the inventions of claims 1-22 lack an inventive step.

Document 1 describes a catalyst for waste gas purification that contains a perovskite composite oxide containing a noble metal, a zirconium series or cerium series composite oxide, and alumina on an exterior and an interior layer (which corresponds to the catalyst for waste gas purification set forth in claims 1-4 and 6-22. For the inclusion of Rh, see Example 8 of document 1). Document 2 describes a catalyst for waste gas purification that contains a perovskite composite oxide containing a noble metal, and alumina (corresponding to the catalyst for waste gas purification set forth in claims 1-3, 5-7, 9-13 and 22).

Documents 1 and 2 do not describe the use of  $\theta$  alumina and  $\alpha$  alumina as the alumina, but as described in documents 3 and 4, it was previously known that the high-temperature durability of catalysts for waste gas purification is increased by using  $\theta$  alumina and  $\alpha$  alumina as the alumina. Therefore, this examination finds that persons skilled in the art can easily conceive of preparing the inventions set forth in claims 1-21 that use these kinds of alumina in the inventions described in documents 1 and 2.

In addition, documents 1 and 2 do not state that the catalyst contains sulfates, etc., of Ba, but as described in document 5, it was previously known that the poisoning of Pd by hydrocarbons is inhibited by adding the sulfates, etc., of Ba to a catalyst for waste gas purification. Therefore, this examination finds that persons skilled in the art can easily conceive of creating the invention set forth in claim 22 that uses this kind of active ingredient in the inventions described in documents 1 and 2. In addition, the use of  $\theta$  alumina and  $\alpha$  alumina as the alumina has already been discussed in the examination of claims 1-21.

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

**PCT/JP03/08439****Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box I.5.:

At the time it was filed this international application disclosed only a catalyst for waste gas purification, and it did not make a general disclosure of catalyst compositions that are not restricted to waste gas purification. Therefore, the invention of claim 23 on page 161 and the amendment to page 7 are beyond the scope of disclosure of this international application at the time of filing.